

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
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MEETING

IN THE MATTER OF:

FR & LH, LLC	
t/a To be Determined	Protest
1515 Wisconsin Ave., NW	Hearing
Retailer CR - ANC-2E	(Status)
License No. 95966	
Case #14-PRO-00067	

(Application for a New  
License)

October 8, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
MIKE SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member

P-R-O-C-E-E-D-I-N-G-S

(9:45 a.m.)

CHAIRPERSON MILLER: The next case is Case No. 14-PRO-00067. It's a new license application at 1515 Wisconsin Avenue, N.W., License No. 95966.

MR. KLINE: Good morning, Andrew Kline here on behalf of the applicant.

CHAIRPERSON MILLER: Good morning.

MS. CRUSE: Good morning, Karen Cruse for Citizens Association of Georgetown.

CHAIRPERSON MILLER: Okay.

MR. BIRCH: Good morning, Tom Birch of ANC-2E.

MS. BUNNELL: Good morning, Judith Bunnell. I'm representing the neighbors abutting the property.

CHAIRPERSON MILLER: Okay. Good. All right. Are there any preliminary issues you want to bring to our attention?

MR. KLINE: Just to alert the Board that we did have mediation. We have

1 made progress. We expect that we will  
2 probably get this resolved, although we do  
3 not, at this point, have it resolved.

4 CHAIRPERSON MILLER: Okay. Good.  
5 All right. Well then it's good to hear, but  
6 in the event you go to hearing, I'm going to  
7 give you your date and just highlight a couple  
8 of key points for you.

9 And your date is November 5 at  
10 4:30 p.m. What is also important for me to  
11 bring to your attention is that you will get  
12 in the mail a Protest Information Form and an  
13 Exhibit Form. And those need to be filled out  
14 and served on opposing parties and submitted  
15 to the Board seven days before the hearing.  
16 And the exhibits themselves actually need --  
17 you need to make copies of those and list them  
18 on the Exhibit Form and serve those as well on  
19 each other and on the Board.

20 If we don't receive a copy of your  
21 Protest Information Form, PIF, it's possible  
22 that the application or the protest could be

1 dismissed. We don't like that to happen.

2 There is no reason for that to happen.

3 If you don't identify an exhibit  
4 or a witness, it's possible they might not be  
5 admitted at the hearing, but we would be  
6 looking at whether there was good cause for  
7 failure to submit and whether there is  
8 prejudice to the other side for failure to  
9 submit or identify those things.

10 So that's basically what I wanted  
11 to tell you. If you have any questions  
12 between now and then, you can always contact  
13 Martha Jenkins or Janea Raines in our General  
14 Counsel's office. If you have a question now,  
15 I'll be happy to --

16 MR. BIRCH: I just wanted to offer  
17 that the ANC will not be meeting until  
18 November 3rd, which will be the date on which  
19 we can first go through or pass a resolution  
20 approving the settlement agreement. We, of  
21 course, will make every effort to get that to  
22 you prior to the 5th.

1                   CHAIRPERSON MILLER: Okay. That's  
2 close, huh? Okay. All right. Okay. And I  
3 guess you may be in contact with our General  
4 Counsel. If it looks like you know which way  
5 it's going to go, so she can plan the schedule  
6 pretty much --

7                   MR. KLINE: Sure.

8                   CHAIRPERSON MILLER: Yes.

9                   MR. KLINE: I mean, as usual, if  
10 we make an agreement, usually with respect to  
11 this ANC, which is pretty cohesive, it's  
12 normally a formality in terms of the ANC  
13 approving it, because they communicate well  
14 among all of the members. So I don't really  
15 think that's going to be an issue if I'm able  
16 to reach agreement with Mr. Birch, Mr.  
17 Starrels and Mr. Jones.

18                  CHAIRPERSON MILLER: Okay. Good.  
19 All right. If there is nothing else, then  
20 that concludes this Status Hearing.

21                  MR. KLINE: Thank you.

22                  MR. BIRCH: Thank you.

MS. CRUSE: May I say something?

I want to thank the Board for reinstating the Citizens Association a few weeks ago in another matter. I really appreciate your consideration when I couldn't get here.

CHAIRPERSON MILLER: Okay.

MS. CRUSE: Thank you very much.

CHAIRPERSON MILLER: All right.

Thank you.

(Whereupon, the Protest (Status)

Hearing in the above-entitled matter was concluded at 9:49 a.m.)

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